



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,672	10/07/2003	John N. Dodgen	P06686USD	5448
34082 7590 08/15/2008 ZARLEY LAW FIRM P.L.C. CAPITAL SQUARE 400 LOCUST, SUITE 200 DES MOINES, IA 50309-2350				
EXAMINER				
NGUYEN, THUY-VI THI				
ART UNIT		PAPER NUMBER		
3689				
MAIL DATE		DELIVERY MODE		
08/15/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/680,672

Applicant(s)

DODGEN, JOHN N.

Examiner

THUY VI NGUYEN

Art Unit

3689

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Examiner's Comments

1. This action is in response to applicant's amendment received on May, 07, 2008 wherein:

Claims 1-5 are currently pending,

Claim 1 has been amended.

The amended claim 1 recited as follow

I. (currently amended) A method of celebrating a person's life by attendees at a funeral after the person's death, comprising,

causing the person, while alive, to create a message presentation that would welcome the attendee to the person's funeral and include personal comments to the attendee in a generally uplifting sense about the occasion of the funeral,

storing the message presentation with instructions from the person that the message presentation be played at the person's funeral, and

publicly playing the message presentation at the person's funeral for the attendees at the funeral to see and hear.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Atrio (US Patent No. 6,324,736) in view of Krim (.US Patent Application Publication No. US 2002/0072925 A1).

Regarding claim 1, Atrio discloses a method of celebrating a person's life by attendees at a funeral after the person's death, comprising:

storing the message presentation with instructions that the message presentation be played at the person's funeral [*...pre-record message is played at the funeral, video tapes or the video and audio images of the deceased during certain events in his/her lifetime which could then be edited to result in a single recorded presentation to play at the funeral service*; see col. 2, lines 66-67; col. 4, lines 2-7];

and publicly playing the message presentation at the person's funeral for the attendees at the funeral to see and hear [*...the message presentation about the deceased might be shared with his/her family, friends and other mourners attending the funeral service*; see col. 4, lines 7-12].

causing the person, while alive, to create a message presentation that would welcome the attendee to the person's funeral and include personal comments to the attendee in a generally uplifting sense about the occasion of the funeral [...*pre-recorded message about the life of deceased is played at the funeral*; see abstract; col. 2, lines 61-67; col. 3, lines 1-2].

While Atrio does not mention a message presentation is created by the person while alive, and the message is stored with instructions from the person that the message presentation be played at the person's funeral.

In a similar method of displaying the person's message at the funeral, Krim discloses a message presentation is created by the person while alive [...*member may record and document their memorable and life-enriching experiences with their family and friends at the member's death; the messages may be designated for delivery on a date certain*; see pars. 0034-0036 and figures 5E-2 and 5F (attach to message)]; and

storing the message presentation with instruction from the person that the message presentation be played at the person's funeral [...i.e. "*the member/person instructs to send a notification message* (par. 0038, lines 1-4)"; . " *this message may be the message that the member himself created*" (par. 0059, lines 6-8); *discloses the message about the person or member be delivered on a date certain* (par. 0034-0035).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the instruction for playing a message

presentation at the funeral service about the life of the deceased of Atrio to include a message is created by a person while alive and is delivered on a funeral or a date certain as taught by Krim in order to share his/her thoughts and life experiences with the mourners attending the funeral service.

Regarding claim 2, Atrio discloses wherein the message presentation is projected on a screen [...video display unit 20; col. 2, line 63; col. 5, lines 21-23 and figure 2].

Regarding claim 3, Atrio discloses wherein the message presentation is an audio presentation [...audio and visual image; see abstract; col. 2, lines 65-66; col. 4, lines 2-5].

Regarding claim 4, Atrio discloses wherein the message presentation is a combination video-type and audio presentation [...video tape edited to carry images of the deceased during his/her lifetime [...see col. 3, lines 666-67; col. 4, lines 1-5; col. 6, lines 1-4];

Regarding claim 5, Atrio discloses wherein the message presentation is an audio/video presentation [...video and audio images of the deceased; see col. 4, lines 1-5].

Response to Arguments

3. Applicant's arguments filed May/07/08 have been fully considered but they are not persuasive.

Applicant's comment that Atrio does not teach "storing the message presentation with instructions from the person that the message presentation be

Art Unit: 3689

played at the person's funeral. However, this limitation is disclosed in the 2nd reference or Krim. Krim discloses storing the message presentation with instruction from the person that the message presentation be played at the person's funeral [...i.e. "*the member/person instructs to send a notification message* (par. 0038, lines 1-4)"; . "*this message may be the message that the member himself created*" (par. 0059, lines 6-8); *discloses the message about the person or member be delivered on a date certain* (par. 0034-0035). A date certain can be a holiday, anniversary day or funeral day.

Furthermore, Atrio discloses storing the message presentation with instructions that the message presentation be played at the person's funeral as showed in col. 2, lines 66-67; col. 4, lines 2-7 wherein...*pre-record message is played at the funeral, video tapes or the video and audio images of the deceased during certain events in his/her lifetime which could then be edited to result in a single recorded presentation to play at the funeral service.*

As the reason stated above, Atrio as modified by Krim discloses storing the message with instruction from the person that the message presentation be played at the person's funeral.

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy-Vi Nguyen whose telephone number is 571-270-1614. The examiner can normally be reached on Monday through Thursday from 8:30 A.M to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on 571-272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Art Unit: 3689

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. N./

Examiner, Art Unit 3689

/Janice A. Mooneyham/

Supervisory Patent Examiner, Art Unit 3689